

REMARKS

In response to the present Office Action, the Applicant sets forth the following remarks. Claims 1 - 12 remain pending in the present application. The Applicant respectfully requests further examination of the application in light of the accompanying remarks.

Rejection of Claims 1, 2, 5 – 7, and 10 Under 35 U.S.C. §102(b)

The Examiner has rejected claims 1, 2, 5 – 7, and 10 under 35 U.S.C. §102(b) as being anticipated by Lyons (US 4,603,517). The rejection is respectfully traversed.

For a prior art reference to anticipate the present invention every element of the claimed invention must be identically shown in a single prior art reference. In this respect, the Applicant respectfully contends that Lyon does not show every element of the claimed present invention. For example, element 42, called a base means or base section by Lyon, is characterized as a top portion by the Examiner. This element is claimed by Lyon as a "base adapted to overlies the planar surface at the gap." (See Lyon, independent claims 1 and 2.) In keeping with the Examiner's vernacular of the "top portion", the Applicant desires to contrast, as shown in claim 1 of the present application, the claim of a top portion having first and second portions that may be pulled around a protrusion and sealed together. The Applicant contends that the "top portion" elements, as named by the Examiner and claimed by the Applicant, differ in their respective descriptions and functions.

At least in this respect, the Applicant respectfully asserts that Lyon does not show every element of the claimed present invention. As a result, the Applicant respectfully asserts that the Examiner's rejection with respect to independent claim 1 of the present application may be withdrawn. In addition, the Applicant respectfully submits that by distinguishing independent claim 1, the outstanding rejections to dependent claims 2, 5 – 7, and 10 may also be properly withdrawn.

Rejection of Claims 3, 4, 9, 11 and 12 Under 35 U.S.C. §103(a)

The Examiner has rejected claims 3, 4, 9, 11 and 12 Under 35 U.S.C. §103(a) as being unpatentable over Lyons (US 4,603,517) in view of Gentry (US 4,625,469).

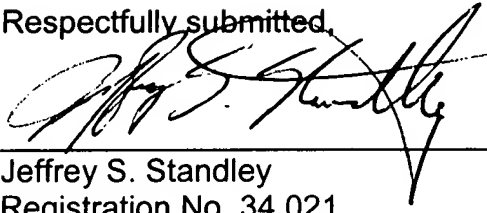
As discussed above, the Applicant respectfully contends that independent claim 1 is distinguished from the Examiner's reference of Lyon. Claims 3, 4, and 9 are dependent from claim 1. The Examiner's reference, Gentry, does not add any element that would render as obvious independent claim 1 or dependent claims 3, 4, or 9. In addition, Gentry does not add any element to Lyon that would render as obvious independent claim 11 or dependent claim 12. As a result, the Applicant respectfully contends that the outstanding rejections of claims 3, 4, 9, 11 and 12 may be properly withdrawn.

CONCLUSION

Claims 1 – 12 are pending in the application. The Applicant has distinguished the pending claims over the Examiner's references. Therefore, the Applicant

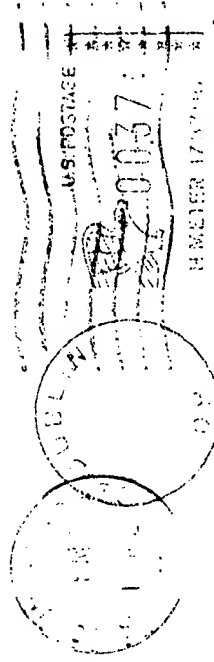
respectfully submits that the present application is now in condition for allowance and such action is earnestly requested.

Dated: 6/29/02

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